

House File 642 - Introduced

HOUSE FILE _____
BY PALMER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to an exception to participation in required
2 conciliation efforts based on a history of domestic abuse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2769HH 82
5 pf/je/5

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1 1 Section 1. Section 598.16, Code 2007, is amended to read
1 2 as follows:
1 3 598.16 CONCILIATION == DOMESTIC RELATIONS DIVISIONS.
1 4 1. A majority of the judges in any judicial district, with
1 5 the cooperation of any county board of supervisors in the
1 6 district, may establish a domestic relations division of the
1 7 district court of the county where the board is located. The
1 8 division shall offer counseling and related services to
1 9 persons before the court.
1 10 2. Upon the application of the petitioner in the petition
1 11 or by the respondent in the responsive pleading thereto or,
1 12 within twenty days of appointment of an attorney appointed
1 13 under section 598.12, the court shall require the parties to
1 14 participate in conciliation efforts for a period of sixty days
1 15 from the issuance of an order setting forth the conciliation
1 16 procedure and the conciliator.
1 17 3. At any time upon its own motion or upon the application
1 18 of a party the court may require the parties to participate in
1 19 conciliation efforts for sixty days or less following the
1 20 issuance of such an order.
1 21 4. Every order for conciliation shall require the
1 22 conciliator to file a written report by a date certain which
1 23 shall state the conciliation procedures undertaken and ~~such~~
1 24 other matters as may have been required by the court. The
1 25 report shall be a part of the record unless otherwise ordered
1 26 by the court. Such conciliation procedure may include, but is
1 27 not limited to, referrals to the domestic relations division
1 28 of the court, if established, public or private marriage
1 29 counselors, family service agencies, community health centers,
1 30 physicians and clergy.
1 31 5. The costs of conciliation procedures shall be paid in
1 32 full or in part by the parties and taxed as court costs;
1 33 however, if the court determines that the parties will be
1 34 unable to pay the costs without prejudicing their financial
1 35 ability to provide themselves and any minor children with
2 1 economic necessities, the costs may be paid in full or in part
2 2 by the county.
2 3 6. Persons providing counseling and other services
2 4 pursuant to this section are not court employees, but are
2 5 subject to court supervision.
2 6 7. ~~The provisions of this section shall not apply to~~
2 7 ~~actions which involve domestic abuse pursuant to chapter 236.~~
2 8 ~~The court shall, on application of a party, grant a waiver~~
2 9 ~~from any court-ordered conciliation under this section if the~~
2 10 ~~party demonstrates that a history of domestic abuse exists as~~
2 11 ~~specified in section 598.41, subsection 3, paragraph "j".~~

EXPLANATION

2 12 This bill provides for an exception to court-ordered
2 13 conciliation efforts under the dissolution and domestic
2 14 relations chapter relating to actions which involve domestic
2 15 abuse. The bill directs the court, on application of a party,
2 16 to grant a waiver from any court-ordered conciliation if the
2 17 party demonstrates that a history of domestic abuse exists.
2 18 This exception is similar to the existing exception relative
2 19 to required mediation under the Code chapter.
2 20

2 21 LSB 2769HH 82
2 22 pf:nh/je/5